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U. S. DEPARTMENT OF AGRICULTURE

FDO 12
JAN. 28, 1943

FOOD DISTRIBUTION ADMINISTRATION
UNITED STATES DEPARTMENT OF AGRICULTURE

[Food Distribution Order 12]

PART 1401—DAIRY PRODUCTS

BUTTER

Reissuance of Conservation Order M-267 issued by War Production Board.

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and to assure an adequate supply and efficient distribution of butter to meet war and essential civilian needs, *It is hereby ordered as follows:*

§ 1401.12 *Butter, set aside for requirements of governmental agencies—*(a) *Definitions.* When used in this regulation, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "Conservation Order M-267" means the order (7 F.R. 9686) issued by Ernest Kanzler, Director General for Operations, on November 20, 1942, with respect to butter, and designated as Conservation Order M-267.

(2) The term "butter" means butter as defined in the act of March 4, 1923, Chapter 268, 42 Stat. 1500, U. S. C. Title 21, section 6.

(3) The term "warehouses in the 35 cities" means the cold storage warehouses which reported their weekly butter stocks from October 30, 1942, through November 20, 1942, to the Agricultural Marketing Administration of the United States Department of Agriculture, which warehouses are located in or near the following cities: New York Metropolitan Area; Chicago, Illinois; Philadelphia, Pennsylvania; Boston, Massachusetts; Buffalo, New York; Lowville, New York; Pittsburgh, Pennsylvania; Detroit, Michigan; Cleveland, Ohio; Milwaukee, Wisconsin; Plymouth, Wisconsin; Marshfield, Wisconsin; Green Bay, Wisconsin; St. Paul, Minnesota; Minneapolis, Minnesota; Kansas City, Missouri; Omaha, Nebraska; St. Louis, Missouri; Denver, Colorado; Seattle, Washington; Portland, Oregon; Los Angeles, California; San Francisco, California; Springfield, Massachusetts; Cincinnati, Ohio; Duluth, Minnesota; Ft. Worth, Texas; Dallas, Texas; Petaluma, California; Santa Rosa, California; Oakland, California; San Diego, California; Providence, Rhode Island; Cuba, New York; Syracuse, New York.

(4) The term "Director" means the Director of Food Distribution, United States Department of Agriculture, or any employee of the United States Department of Agriculture designated by such Director.

(5) The term "person" means any individual, partnership, corporation, association, or other business entity.

(b) *Restrictions on delivery.* Without regard to preexisting contracts, and until March 6, 1943, butter, required to be set aside pursuant to Conservation Order M-267 and not heretofore deliv-

ered or released in accordance with the provisions of Conservation Order M-267 may not be delivered except on specific permission of the Director, or to or for the account of the Army, Navy, Marine Corps, Coast Guard, the Coast and Geologic Survey, the War Shipping Administration, or any agency of the United States for supplies to be delivered to or for the account of the government of any foreign country pursuant to the act of March 11, 1941 (Lend-Lease Act).

(c) *Audits and inspections.* Every person subject to this order shall, upon request, permit inspections, at all reasonable times, of his stocks of butter and premises used in his business; and all of his books, records, and accounts shall, upon request, be submitted to audit and inspection by the Director.

(d) *Certificates.* No person other than those agencies specified in or pursuant to (b) hereof shall remove butter, required to be set aside pursuant to Conservation Order M-267 and not heretofore delivered or released in accordance with the provisions of Conservation Order M-267, from any warehouse in the 35 cities unless such person files with the warehouseman a certificate, in duplicate, in substantially the following language (with the appropriate information inserted in the blank spaces);

This is to certify that the following quantity of butter _____ removed by me on _____ 1943, from _____ is not included within the percentage of my holdings, or the holdings of my predecessor in title, which was required to be set aside by Conservation Order M-267, as superseded by Food Distribution Order No. _____

Signature _____
By: _____
(Duly authorized official)

(e) *Restrictions on warehouseman.* No warehouseman in the 35 cities may release or deliver any butter, required to be set aside pursuant to Conservation Order M-267 and not heretofore delivered or released in accordance with the provisions of Conservation Order M-267, from his custody or control with knowledge or reason to believe that such is being delivered or removed in violation of the terms hereof. Unless such delivery is to a governmental agency, the respective warehouseman shall obtain, at the time of making such delivery, a certificate as required by (d) hereof; and each such warehouseman shall retain each such certificate in his files for at least six months subsequent to the receipt thereof.

(f) *Records and reports.* Each person subject to the provisions of Conservation Order M-267 and the provisions hereof shall maintain such records for at least two years, or for such other period of time as the Director may designate, and shall execute and file such reports and submit such information as the Director may from time to time request or direct,

and such reports and information shall be submitted within such periods of time as may be prescribed by the Director.

(g) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may petition in writing for relief, and such petition shall be submitted to the Director and shall set forth all pertinent facts and the nature of the relief sought. The director may thereupon take such action as he deems appropriate, and such decision by the Director shall be final.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning said Conservation Order M-267, as hereby amended, shall, unless otherwise directed, be addressed to: Dairy and Poultry Branch, Food Distribution Administration, United States Department of Agriculture, Washington, D. C. Ref: FD-12.

(i) *Delegation of authority.* The Director is hereby designated to administer the provisions hereof.

(j) *Violations.* Any person who wilfully violates any provision of this order or who, by any act or omission, falsifies records to be kept or information to be furnished, pursuant to this order, or wilfully conceals a material fact concerning a matter, in connection with this order, within the jurisdiction of any department or agency of the United States may be prohibited from receiving or making further deliveries of any material subject to allocation; and such further action may be taken against any such person as the Director deems appropriate, including recommendations for prosecution under section 35a of the Criminal Code (18 U.S.C. 1940 ed. 80), under Paragraph 5 of section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(k) *Conservation Order M-267 hereby superseded.* This order supersedes, except in the respects stated herein, Conservation Order M-267, but with respect to violations of said Conservation Order M-267 or rights accrued, liabilities incurred, or appeals taken under said Conservation Order M-267 prior to the effective date hereof, said Conservation Order M-267 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability. Any appeal pending under said Conservation Order M-267 shall be considered under the provisions of paragraph (g) hereof.

(l) *Effective date.* This order shall be effective as of 12:01 a. m., e. w. t., January 29, 1943.

(E.O. 9280; 7 F.R. 10179)

Issued this 28th day of January 1943.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

WAR FOOD ADMINISTRATION
Food Distribution Administration
Washington 25, D. C.

CORRECTION NOTICE - FDO 12 Termination "BUTTER"

In printing Food Distribution Order 12 Termination, the following errors occurred:

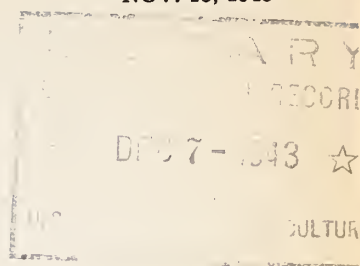
Second paragraph fifth line "12.01 a.m., c.w.t.," should read: "12.01 a.m., e.w.t. November 15, 1943."

Paragraph 5 "(E. O. 9280, 7 F.R. 10179, E.O. 9233)" should read: (.O.9280, 7 F. .10179, E. O. 9322)

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FDO 12

TERMINATION
NOV. 13, 1943



WAR FOOD ADMINISTRATION

[FDO 12, Termination]

PART 1401—DAIRY PRODUCTS

BUTTER

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and Executive Order No. 9322, dated March 26, 1943, as amended by Executive Order No. 9334, dated April 19, 1943, and Executive Order No. 9392, dated October 28, 1943, it is hereby ordered as follows:

That Food Distribution Order No. 12, issued by the Acting Secretary of Agriculture on January 28, 1943 (8 F.R. 1301), relative to butter, bc, and the same is, hereby terminated at 12:01 a. m., c. w. t., November 15, 1943.

This termination order shall not be construed to abrogate, amend, modify, or suspend Food Distribution Order No. 2, as amended (8 F.R. 253, 5696).

With respect to violations of said Food Distribution Order No. 12, rights accrued, liabilities incurred, or appeals taken under said order, prior to the effective time of the termination thereof, said Food Distribution Order No. 12 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179, E.O. 9233, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 13th day of November 1943.

ASHLEY SELLERS,
Assistant War Food Administrator.

WAR FOOD ADMINISTRATION
Food Distribution Administration
Washington 25, D. C.

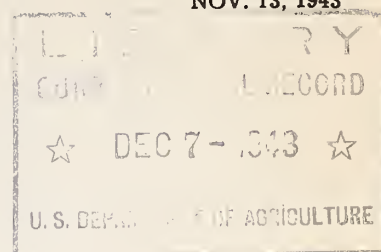
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FDO 12**TERMINATION****NOV. 13, 1943****WAR FOOD ADMINISTRATION**

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[FDO 12, Termination]

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